

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

GUILLERMO TRUJILLO CRUZ,

Plaintiff,

v.

M. GONZALEZ, *et al.*,

Defendants.

Case No. 1:22-cv-00177-AWI- BAK (HBK) (PC)

**ORDER DISMISSING ACTION,  
WITHOUT PREJUDICE, FOR FAILURE  
TO PAY FILING FEE**

Plaintiff Guillermo Trujillo Cruz (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On March 11, 2022, the assigned magistrate judge recommended Plaintiff be required to pay the filing fee in full in order to proceed with this action. (ECF No. 8.) Plaintiff filed objections on March 31, 2022. (ECF No. 11.)

On June 10, 2022, this Court issued its Order Adopting Findings and Recommendations, ordering Plaintiff to pay the \$402 filing fee in full because Plaintiff did not establish the applicability of the imminent danger exception concerning an individual with three or more qualifying strikes pursuant to 28 U.S.C. § 1915(g). (ECF No. 12.)

On June 15, 2022, Plaintiff filed a document titled “Plaintiff’s Response to Docket No# (ECF No. 9),” advising the Court he had complied by filing Objections to the assigned magistrate judge’s earlier findings and recommendations. (ECF No. 13.)

1 On June 21, 2022, Plaintiff filed a document titled "Plaintiff's Motion and Motion to  
2 Response to Senior District Judge Finding's and Recommendation's Docket No (#ECF No. #8)."  
3 (ECF No. 14.) In his response, Plaintiff continues to argue he met the imminent danger exception,  
4 despite the assigned magistrate judge's March 11, 2022, findings and recommendations and the  
5 undersigned's Order adopting those findings in full dated June 10, 2022. Plaintiff "objects" to the  
6 order "because the district judge made a clear error" in denying Plaintiff's application to proceed  
7 *in forma pauperis*, claiming he "did show proof" of imminent danger. (ECF No. 14 at 1-2.)  
8 Plaintiff further contends he should be permitted to pay the filing fee in installments. (*Id.* at 2.)

9 To the extent Plaintiff's June 21, 2022, filing can be construed as a motion for  
10 reconsideration of the Order adopting findings and recommendations to deny IFP status, it is  
11 denied. The Order is neither clearly erroneous nor contrary to law.

12 As indicated above, Plaintiff was ordered to pay the \$402 filing fee in full. Plaintiff has  
13 not paid the filing fee and the time in which to do so has passed.

14 Accordingly, **IT IS ORDERED** that this action be DIMSISSED, without prejudice, for  
15 Plaintiff's failure to pay the filing fee. The Clerk of the Court shall terminate any pending  
16 motions and CLOSE this case.

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18 IT IS SO ORDERED.

19 Dated: September 8, 2022

  
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20 SENIOR DISTRICT JUDGE  
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